

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION**

CAMERON ROGNON,

Petitioner,

v.

**WARDEN, NORTH CENTRAL
CORRECTIONAL COMPLEX,**

Respondent.

CASE NO. 2:21-CV-2170

Judge Edmund A. Sargus, Jr.

Magistrate Judge Kimberly A. Jolson

ORDER

This matter is before the Court for consideration of Respondent's Motion to Change Venue or Transfer to the Sixth Circuit for Authorization to Consider a Second or Successive Petition. (Doc. 8.) For the reasons that follow, Respondent's Motion to Transfer the action to the United States Court of Appeals for the Sixth Circuit as successive is **DENIED**; the Motion to Change Venue (Doc. 8), is **GRANTED**. This action hereby is **TRANSFERRED** to the United States District Court for the Northern District of Ohio, in Toledo.

On February 5, 2021, Petitioner filed this petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 challenging his underlying criminal convictions from Logan County on two counts of gross sexual imposition. Petitioner asserts that he was denied equal protection because he was denied the ability to file a motion for sentence modification prior to serving five years of his sentence and denied due process when the trial court denied his motion as untimely. However, Petitioner filed an earlier habeas corpus petition on November 9, 2020 in the Northern District challenging these same convictions, asserting that he was denied the effective assistance of counsel and that the trial court lacked venue and improperly imposed maximum and consecutive sentences. *Rognon v. Turner*, Case No. 3:20-cv-2519 (N.D. Ohio). The docket

indicates that the case has been fully briefed and is pending review in the Northern District. *Id.* Both districts have concurrent jurisdiction, as the Petitioner challenges the convictions of a state court within the Southern District of Ohio but is in custody in the Northern District of Ohio. 28 U.S.C. § 2241(d). Because no final judgment has been issued, Petitioner's new filing in Case Number 2:21-cv-2170 does not constitute a second or successive habeas corpus petition. *See* 28 U.S.C. § 2244(b)(3)(A). However, because the earlier case has already been fully briefed and is pending review in the Northern District, the Northern District appears to be the more appropriate and convenient forum for review of Petitioner's new claims at this time.

Accordingly, Respondent's Motion to Transfer the action to the United States Court of Appeals for the Sixth Circuit as successive is **DENIED**; the Motion to Change Venue (Doc. 8) is **GRANTED**. This action is hereby **TRANSFERRED** to the United States District Court for the Northern District of Ohio, in Toledo.

IT IS SO ORDERED.

s/Edmund A. Sargus, Jr. 7/8/2021
EDMUND A. SARGUS, JR.
UNITED STATES DISTRICT JUDGE